

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF VIRGINIA
EASTERN (NEWPORT NEWS) DIVISIONIn re Deedra Lydia SmallwoodCase No. 13-50887-FJS

Chapter 13

Notice Mortgage Payment Change

If you hold a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: EverBank

Court claim no. (if known):

Last four digits of any number
you use to identify the debtor's
account:

1290Date of payment change: 09/01/2013Must be at least 21 days after date of 06/25/2013New total payment: \$ 835.58

Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: _____

Current escrow payment: \$235.64New escrow payment: \$ 275.90**Part 2: Mortgage Payment Adjustment**

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

Current interest rate: _____%

New interest rate: _____%

Current principal and interest payments: \$ _____ New principal and interest payment \$ _____

Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

Reason for change: _____

Current mortgage payment: \$ _____ New mortgage payment: \$ _____

Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

/s/Abby K. Moynihan, Esquire

Signature

Date 06/25/2013

Print:

Abby K. Moynihan/79686

First Name Middle Name

Title Attorney for Creditor

Last Name

Company

McCabe, Weisberg and Conway, LLC

Address

312 Marshall Avenue, Suite 800

Number Street

Laurel, MD 20707

City State ZIP Code

Contact phone (301) 490-3361

Email bankruptcyva@mwc-law.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN (NEWPORT NEWS) DISTRICT OF VIRGINIA**

In Re: Deedra Lydia Smallwood

Case No. 13-50887-FJS
Chapter 13

**CERTIFICATE OF SERVICE OF NOTICE OF
MORTGAGE PAYMENT CHANGE**

I, Abby K. Moynihan, of McCabe, Weisberg and Conway, LLC, certify that I am and at all times hereinafter mentioned, was more than 18 years of age and that on June 25, 2013, I served the above-captioned pleading filed in the proceeding on the parties at the addresses shown below;

Michael P. Cotter, Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, Virginia 23320

Steve C. Taylor, Esq.
133 Mt. Pleasant Road
Chesapeake, Virginia 23322

Deedra Lydia Smallwood
371 Advocate Ct, #B
Newport News, Virginia 23608

Method of Service: Electronic means or first-class mail

Dated: June 25, 2013
Respectfully submitted:

/s/Abby K. Moynihan
Attorney for EverBank
312 Marshall Avenue, Ste. 800
Laurel, MD 20707
301-490-1196
Bar No. 79686
Email: bankruptcyva@mwc-law.com

06/11/13

REDACTED

DEEDRA SMALLWOOD
371 ADVOCATE CT UNIT B
NEWPORT NEWS VA 23608

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT

ACCOUNT HISTORY

THIS IS A STATEMENT OF ACTUAL ACTIVITY IN YOUR ESCROW ACCOUNT FROM
08/01/12 THROUGH 08/31/13.
YOUR MONTHLY MORTGAGE PAYMENT FOR THE PAST YEAR WAS
795.32 OF WHICH 559.68 WAS FOR PRINCIPAL AND INTEREST
AND 235.64 WENT INTO YOUR ESCROW ACCOUNT.

MO	PROJ ESCROW DEPOSIT	ACTUAL ESCROW DEPOSIT	PROJ ESCROW PAYMENTS	DESCRIPTION	ACTUAL ESCROW PAYMENTS	PROJ ESCROW BALANCE	ACTUAL ESCROW BALANCE
	STARTING BALANCE					692.39	405.66-
AUG	274.09	*	43.30	MTG INS	*	923.18	405.66-
AUG				MTG INS	42.66*	923.18	448.32-
SEP	274.09	*	43.30	MTG INS	*	1153.97	448.32-
SEP				MTG INS	42.66*	1153.97	490.98-
OCT	274.09	*	43.30	MTG INS	*	1384.76	490.98-
OCT				MTG INS	42.66*	1384.76	533.64-
OCT				CITY/TWN TX	574.90*	1384.76	1108.54-
NOV	274.09	*	43.30	MTG INS	*	1615.55	1108.54-
NOV			660.25	CITY/TWN TX	*	955.30	1108.54-
NOV				MTG INS	42.66*	955.30	1151.20-
DEC	274.09	*	43.30	MTG INS	*	1186.09	1151.20-
DEC				MTG INS	42.66*	1186.09	1193.86-
JAN	274.09	*	43.30	MTG INS	*	1416.88	1193.86-
JAN				MTG INS	42.66*	1416.88	1236.52-
FEB	274.09	*	43.30	MTG INS	*	1647.67	1236.52-
FEB				MTG INS	42.66*	1647.67	1279.18-
MAR	274.09	*	43.30	MTG INS	*	1878.46	1279.18-
MAR				MTG INS	42.66*	1878.46	1321.84-
APR	274.09	*	43.30	MTG INS	*	2109.25	1321.84-
APR				MTG INS	42.66*	2109.25	1364.50-

06/11/13

REDACTED

MO	PROJ ESCROW DEPOSIT	ACTUAL ESCROW DEPOSIT	PROJ ESCROW PAYMENTS	DESCRIPTION	ACTUAL ESCROW PAYMENTS	PROJ ESCROW BALANCE	ACTUAL ESCROW BALANCE
MAY	274.09	*	43.30	MTG INS	*	2340.04	1364.50-
MAY			660.25	CITY/TWN TX	574.90*	1679.79	1939.40-
MAY				MTG INS	42.66*	1679.79	1982.06-
MAY				PROP INS	1649.00*	1679.79	3631.06-
JUN	274.09	4060.80 *Y	43.30	MTG INS	*Y	1910.58	429.74
JUN			1449.00	PROP INS	*	461.58	429.74
JUN				MTG INS	42.66*	461.58	387.08
JUL	274.09	326.32 *Y	43.30	MTG INS	42.66*Y	692.37	670.74
AUG		274.09 *Y		MTG INS	42.66*Y	692.37	902.17

LAST YEAR, WE ANTICIPATED THAT PAYMENTS FROM YOUR ACCOUNT WOULD BE
MADE DURING THIS PERIOD EQUALING 3,289.10. UNDER FEDERAL LAW,
YOUR LOWEST MONTHLY BALANCE SHOULD NOT HAVE EXCEEDED 461.58
(NO MORE THAN TWICE LAST YEARS PROJECTED MONTHLY ESCROW PAYMENT),
UNLESS YOUR MORTGAGE CONTRACT OR STATE LAW SPECIFIES A LOWER AMOUNT.
UNDER YOUR MORTGAGE CONTRACT AND STATE LAW, YOUR LOWEST MONTHLY
BALANCE SHOULD NOT HAVE EXCEEDED 461.58.

AN ASTERISK (*) INDICATES A DIFFERENCE FROM A PREVIOUS ESTIMATE
EITHER IN THE DATE OR THE AMOUNT. IF YOU WANT A FURTHER EXPLANATION,
PLEASE CALL OUR TOLL-FREE NUMBER.

06/11/13

REDACTED

ACCOUNT PROJECTION

MORTGAGE INS : 511.92
 CITY TAX : 1,149.80
 HAZARD INS : 1,649.00

 ANNUAL DISBURSEMENTS : 3,310.72
 3,310.72 / 12 = 275.90 ESCROW PAYMENT

MO	PAYMENTS TO	PAYMENTS FROM	DESCRIPTION	CURRENT BAL PROJECTION	REQUIRED BAL PROJECTION
BALANCE AS OF	08/31/13			902.17	932.88
SEP	275.90	42.66	MTG INS	1,135.41	1,166.12
OCT	275.90	42.66	MTG INS	1,368.65	1,399.36
NOV	275.90	42.66	MTG INS	1,601.89	1,632.60
NOV		574.90	CITY/TWN TX	1,026.99	1,057.70
DEC	275.90	42.66	MTG INS	1,260.23	1,290.94
JAN	275.90	42.66	MTG INS	1,493.47	1,524.18
FEB	275.90	42.66	MTG INS	1,726.71	1,757.42
MAR	275.90	42.66	MTG INS	1,959.95	1,990.66
APR	275.90	42.66	MTG INS	2,193.19	2,223.90
MAY	275.90	42.66	MTG INS	2,426.43	2,457.14
MAY		574.90	CITY/TWN TX	1,851.53	1,882.24
JUN	275.90	42.66	MTG INS	2,084.77	2,115.48
JUN		1,649.00	PROP INS	435.77	466.48
JUL	275.90	42.66	MTG INS	669.01	699.72
AUG	275.90	42.66	MTG INS	902.25	932.96

THE EXPECTED AMOUNT IN YOUR ESCROW ACCOUNT IS 902.17 . YOUR
 STARTING BALANCE ACCORDING TO THIS ANALYSIS SHOULD BE 932.88 .

THIS MEANS YOU HAVE A SURPLUS OF 48.61.** THIS SURPLUS MUST BE
 RETURNED TO YOU UNLESS IT IS LESS THAN \$50, IN WHICH CASE WE HAVE THE
 ADDITIONAL OPTION OF KEEPING IT AND LOWERING YOUR PAYMENTS ACCORDINGLY.
 DUE TO THE DELINQUENT STATUS OF YOUR ACCOUNT, WE ARE HOLDING THE
 SURPLUS.

** THIS AMOUNT HAS BEEN ADJUSTED FOR THE BANKRUPTCY PROOF OF CLAIM.

06/11/13

REDACTED

YOUR MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE
835.58 OF WHICH 559.68 WILL BE FOR PRINCIPAL AND
INTEREST AND 275.90 WILL GO INTO YOUR ESCROW ACCOUNT.

NEW PAYMENT INFORMATION	
PRINCIPAL AND INTEREST	559.68
ESCROW PAYMENT	275.90

NEW PAYMENT EFFECTIVE 09/01/13	835.58

KEEP THIS STATEMENT FOR COMPARISON WITH THE ACTUAL ACTIVITY IN YOUR
ACCOUNT AT THE END OF THE NEXT ESCROW ACCOUNTING COMPUTATION YEAR.